

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

---

)  
)  
) MDL No. 1456  
)

) Civil Action No. 01-CV-12257-  
) PBS  
)

THIS DOCUMENT RELATES TO

)  
) Judge Patti B. Saris  
)

*State of Montana v. Abbott Labs. Inc., et al.,*  
D. Mont. Cause No. CV-02-09-H-DWM

)  
)  
)  
)  
)  
)

---

**NOVARTIS PHARMACEUTICALS CORPORATION'S  
MOTION FOR LEAVE TO FILE UNDER SEAL**

Pursuant to Paragraph 15 of the Protective Order entered by this Court on December 13, 2002 ("the Protective Order"), defendant Novartis Pharmaceuticals Corporation ("NPC") respectfully moves for leave to file under seal Exhibits 6 and 7 of the Affidavit of Samuel N. Lonergan, Esq. in support of NPC's Opposition to the State of Montana's Motion for Partial Summary Judgment Against Certain Defendants in the above-captioned case. Exhibits 6 and 7 are portions of deposition transcripts that have been designated "Highly Confidential."

NPC also respectfully moves for leave to file under seal Exhibits 5 and 6 of the Affidavit of Samuel N. Lonergan, Esq. in support of NPC's Motion for Summary Judgment in the above-captioned case (docket no. 3725), filed with this Court on February 8, 2007. Exhibits 5 and 6 are portions of deposition transcripts that have been designated "Highly Confidential."

Paragraph 15 of the Protective Order requires that any documents or pleadings filed with the Court that contain either “Confidential” or “Highly Confidential” information be filed under seal. In compliance with the Protective Order, NPC respectfully requests leave to file the above-mentioned exhibits under seal.

Dated: Boston, Massachusetts  
March 22, 2007

Respectfully submitted,

/s/ Karen F. Green

Karen F. Green, BBO # 209050  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
(617) 526-6000

Jane W. Parver (admitted *pro hac vice*)  
Saul P. Morgenstern (admitted *pro hac vice*)  
Samuel Lonergan (admitted *pro hac vice*)  
Charles Graybow (admitted *pro hac vice*)  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, New York 10022  
(212) 836-8000

*Attorneys for Defendant*  
*Novartis Pharmaceuticals Corporation*

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Undersigned counsel for NPC hereby certifies that Samuel N. Lonergan, Esq., has unsuccessfully attempted to confer with counsel in an attempt to resolve the issues raised by this motion.

Dated: March 22, 2007

/s/ Brett Budzinski

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of March, 2007, a true and accurate copy of Novartis Pharmaceuticals Corporation's Motion for Leave to File Under Seal was served via the Lexis-Nexis Filing System:

Dated: March 22, 2007

/s/ Brett Budzinski